

VII. STANDING COMMITTEES

A. Academic and Student Affairs Committee

Amending Chapter 478-276 WAC, "Governing Access to Public Records"RECOMMENDED ACTION

It is the recommendation of the administration and the Academic and Student Affairs Committee that the Board of Regents adopt the amendments to Chapter 478-276 WAC, "Governing Access to Public Records."

BACKGROUND

With the exception of minor housekeeping changes, the University of Washington has not revised Chapter 478-276 WAC since 2001. Since that time, case law and statutory developments have clarified various aspects of the state of Washington's Public Records Act. In addition, the state Legislature passed new guidelines for the hours of operation at state agency public records offices (RCW 42.56.090) in 2009. These proposed amendments address not only those external influences but also the public's access to the University's electronic records, and a more comprehensive guide to current office practices.

As required by the Washington Administrative Code rule-making process, the public was notified that a hearing would be held on December 7, 2012 to consider these proposed rules amendments via notices in the *Washington State Register*, *The Daily*, *UW Today*, and included in various online campus calendars. The hearing officer's report is attached.

REVIEW AND APPROVALS

These proposed revisions have been reviewed by the Attorney General's Office, and endorsed by the Office of the President, the Office of the Associate Vice President for Media Relations and Communications, and the Office of Public Records and Open Public Meetings.

Attachments

1. Hearing Officer's Report
2. Current Chapter 478-276 WAC, "Governing Access to Public Records"
3. Proposed Amendments to Chapter 478-276 WAC, "Governing Access to Public Records."

Rules Coordination Office

January 16, 2013

President Michael K. Young
Office of the President
University of Washington

Dear President Young,

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the University of Washington's proposed amendments to Chapter 478-276 WAC, "Governing Access to Public Records." This hearing was held on December 7, 2012 at 12:00 Noon in Room 142 of Gerberding Hall at the University of Washington, Seattle campus. I am pleased to provide this report on the hearing and all written comments received.

As required by the Administrative Procedure Act, the University filed the following notices with the Washington State Office of the Code Reviser: a Preproposal Statement of Inquiry (published as WSR 10-04-104); a Proposed Rule Making (published as WSR 12-21-047); and a continuation of that Proposed Rule Making, moving the intended adoption date to February 14, 2013 (published as WSR 13-01-035). Notices that a hearing would be held were published in The Daily and in UW Today on November 29, 2012. Notice of this public hearing was also included in the UW Seattle online events calendar. The written comment period began February 17, 2010 and ended December 7, 2012.

Public Comment

Three individuals provided testimony at the hearing citing concerns with the proposed amendments; no written comments were received. Two of the individuals who testified were UW employees and the third represented the Allied Daily Newspapers of Washington. A summary of the comments are as follows:

General Concerns:

- That the amendments, while creating greater efficiency for the UW Office of Public Records and Open Public Meetings (hereafter Office), makes requesting records more challenging for the requestor.
- That these rules don't block malicious individuals from using the Public Records Act as a means to drive up administrative costs to various University departments in order to comply with records requests that serve no purpose.

Specific Concerns:

- WAC 478-276-080—That a requestor's name be provided in order to receive records. The commenter felt that this was too narrow, that it didn't address whether a representative of a requestor might request records instead. [The Office explained that a named representative would be treated equally with a named individual, but a name was needed for contact purposes.]

ATTACHMENT 1

- WAC 478-276-085(3); WAC 478-276-095(7); and WAC 478-276-105(2)—That in each of these instances (responding to a request for clarification of records by the Office, rescheduling a missed viewing appointment with the Office; and closing a request based on no response from the requestor), five business days was inadequate and that the timeframe needed to be longer for requestors to respond to the Office. [The Office has since amended the timeframe in each of these three instances to ten business days each.]
- WAC 478-276-085(6)—That the section addressing electronic records did not make clear that the UW would provide electronic documents in common formats, useful to the requestor. Also, there was concern that this section did not fully explain when customization of records would be required. Examples were recommended. [The Office has since amended this section by adding an explanatory sentence that notes because of the wide variety of electronic records formats maintained by the UW, electronic records are handled on a case-by-case basis.]
- WAC 478-276-095(5)—That a requestor who wanted to retain specific records after viewing an installment of an ongoing request would “tip their hand” to the Office as to what they were interested in pursuing further, since each installment would be subject to disposition independently.
- WAC 478-276-100—That this section, regarding the copying of records, did not reiterate that inspection of public records was free. [This is noted in WAC 478-276-050.]
- WAC 478-276-100(2)—That the UW might allow any free copies when the cost of public records requests to the institution was prohibitively expensive to individual UW departments. The commenter thought the word “may” should be changed to “will” in the following sentence: “The university *may* charge for providing copies of public records.”
- WAC 478-276-105—That separate installments of a single request handled independently will be problematic for the requestor and the Office. Also, concern that the method of notice to the requestor from the Office (usually by email) might be lost in cyberspace, and that a certified letter might be less problematic.
- WAC 478-276-110(4)—That this section, regarding enjoining inspection, appeared to give too much authority to the UW and/or was stated too broadly. Yet, the concern from another commenter was that this section did not appear to go far enough to prevent damage to any person or vital governmental functions in a proactive manner.
- WAC 478-276-120(2)—The commenter thought the word “judicial” should be replaced with “agency” in the following sentence: “Such approval or disapproval shall constitute final university action for purposes of *judicial* review.”

Analysis and Recommendation

The amendments to Chapter 478-276 WAC are proposed to better conform to current case law and statutory developments since the last complete revision to

the chapter in 2001, and also, to reflect the current business practices of the Office.

Following the public hearing, the Office reviewed the testimony noted above with the Attorney General's Office. This resulted in the addition of an explanatory sentence being added to WAC 478-276-085(6) regarding the handling of electronic records, and the expansion of the Office's timeframe from five to ten business days for requestors to respond to the Office in specific circumstances, noted in WAC 478-276-085(3), 478-276-095(7), and 478-276-105(2). In all other cases, the consensus of the Attorney General's Office and the UW Office was to retain the WAC rules as originally proposed. In some cases the modifications sought lay outside the authority of the Public Records Act or the authority of the University, and in other cases the rules were considered more accurate or appropriate as originally drafted.

With the modification of the chapter as noted above, it is my recommendation that the Board of Regents adopt the amendments to Chapter 478-276 WAC as provided on the amended copy (marked OTS-5043.3).

In addition to the extensive review by the Attorney General's Office these WAC rules are endorsed by the Associate Vice President, Media Relations and Communications, and the Director, Office of Public Records and Open Public Meetings.

An audio recording of the hearing has been deposited with the Secretary of the Board of Regents.

Sincerely,



Rebecca Goodwin Deardorff
Director of Rules Coordination

c: Ms. Lenina Arenas-Fuentes
Mr. Norm Arkans
Ms. Joan Goldblatt
Mr. Jack Johnson
Mr. Rolf Johnson
Ms. Eliza Saunders

Chapter 478-276 WAC

GOVERNING ACCESS TO PUBLIC RECORDS

WAC Sections

[478-276-010](#) Purpose.

[478-276-020](#) Definitions.

[478-276-050](#) Public records available.

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[478-276-080](#) Requests for public records.

[478-276-090](#) Commercial purposes.

[478-276-100](#) Inspection of public records -- Copying -- Costs.

[478-276-105](#) Protection of public records.

[478-276-110](#) Exemptions -- Court protection.

[478-276-120](#) Review of denials of public records requests.

[478-276-140](#) Public records and open public meetings office -- Address.

DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

478-276-030 Description of central and field organization of the University of Washington. [Order 73-5, § 478-276-030, filed 5/29/73.] Repealed by 97-14-004, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW.

478-276-040 General course and method of government. [Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-040, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-040, filed 10/2/81; Order 73-5, § 478-276-040, filed 5/29/73.] Repealed by 97-14-004, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW.

478-276-130 University records. [Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-130, filed 10/2/81; Order 73-5, § 478-276-130, filed 5/29/73.] Repealed by 91-10-031, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#).

478-276-010 Purpose.

This chapter is enacted by the board of regents of the University of Washington in compliance with the provisions of chapter [42.56](#) RCW, "Public records."

[Statutory Authority: RCW [28B.20.130](#), 2005 c 274, and Executive Order 97-02. 06-17-131, § 478-276-010, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-010, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-010, filed 10/2/81; Order 73-5, § 478-276-010, filed 5/29/73.]

478-276-020 Definitions.

(1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

[Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-020, filed 5/23/01, effective 6/23/01; Order 73-5, § 478-276-020, filed 5/29/73.]

478-276-050 Public records available.

All public records of the University of Washington, as defined in WAC [478-276-020](#), are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

[Order 73-5, § 478-276-050, filed 5/29/73.]

478-276-060 Public records officer.

For purposes of compliance with chapter [42.56](#) RCW, the person designated as public records officer for the University of Washington is the director of public records and open public meetings. Duties for this individual shall include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the public records and open public meetings office in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter [42.56](#) RCW. The person so designated shall be at the following location:

University of Washington
Public Records and Open Public Meetings Office
4311 11th Ave. N.E.
Suite 360
Seattle, WA 98105

(for internal campus mail use: Box 354997).

[Statutory Authority: RCW [28B.20.130](#). 07-03-069, § 478-276-060, filed 1/17/07, effective 2/17/07. Statutory Authority: RCW [28B.20.130](#), 2005 c 274, and Executive Order 97-02. 06-17-131, § 478-276-060, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW [28B.20.130](#) and Executive Order 97-02. 06-13-021, § 478-276-060, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-060, filed 5/23/01, effective 6/23/01; 97-14-004, § 478-276-060, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-060, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-060, filed 10/2/81; Order 73-5, § 478-276-060, filed 5/29/73.]

478-276-070 Times for inspection and copying.

Public records of the University of Washington shall be available for inspection and copying by appointment during the regular office hours of the public records and open public meetings office: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.

[Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-070, filed 5/23/01, effective 6/23/01; 97-14-004, § 478-276-070, filed 6/19/97, effective 7/20/97; Order 73-5, § 478-276-070, filed 5/29/73.]

478-276-080 Requests for public records.

In accordance with requirements of chapter [42.56](#) RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter [42.56](#) RCW, may be inspected or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the director of public records and open public meetings at the address set forth in WAC [478-276-140](#). The request shall include the following information:

- (1) The name and address of the person requesting the records;
- (2) The date on which the request was made; and
- (3) The public record(s) requested.

[Statutory Authority: RCW [28B.20.130](#), 2005 c 274, and Executive Order 97-02. 06-17-131, § 478-276-080, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-080, filed 5/23/01, effective 6/23/01; 97-14-004, § 478-276-080, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-080, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-080, filed 10/2/81; Order 73-5, § 478-276-080, filed 5/29/73.]

478-276-090 Commercial purposes.

No provision of any regulation contained in this chapter [478-276](#) WAC shall be construed as giving authority to any faculty or staff member of the University of Washington to give, sell, or provide access to lists of individuals requested for commercial purposes.

[Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-090, filed 10/2/81; Order 73-5, § 478-276-090, filed 5/29/73.]

478-276-100 Inspection of public records — Copying — Costs.

(1) Public records of the University of Washington required to be disclosed by chapter [42.56](#) RCW, shall be made available for inspection and copying by the public records and open public meetings office staff under the supervision of the director of public records and open public meetings. Arrangements for photocopying of documents in accordance with RCW [42.56.210](#) shall be made by the university in such a way as to protect the records from damage or disorganization and to prevent excessive interference with other essential functions of the agency.

(2) No fee shall be charged for the inspection of public records. The university imposes a charge for providing copies of public records whether the copies are on paper or on other media such as, but not limited to, CDs, diskettes, audio or videotape; the university also charges for packaging,

postage, and other charges as allowed by statute. Such charges shall not exceed the amount necessary to reimburse the university for actual costs as allowed by law.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such person until and unless such person has tendered payment for the charge for providing such copying.

[Statutory Authority: RCW [28B.20.130](#), 2005 c 274, and Executive Order 97-02. 06-17-131, § 478-276-100, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-100, filed 5/23/01, effective 6/23/01; 97-14-004, § 478-276-100, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-100, filed 4/24/91, effective 5/25/91. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-100, filed 10/2/81; Order 73-5, § 478-276-100, filed 5/29/73.]

478-276-105 Protection of public records.

Access to any "writing," as defined in WAC [478-276-020](#)(2), shall be restricted to the viewing area designated by the university. No document shall be physically removed by a member of the public from the viewing area for any reason whatsoever. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever.

[Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 97-14-004, § 478-276-105, filed 6/19/97, effective 7/20/97.]

478-276-110 Exemptions — Court protection.

(1) The University of Washington reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC [478-276-080](#) is exempt under the provisions of chapter [42.56](#) RCW.

(2) In addition, pursuant to chapter [42.56](#) RCW, the University of Washington reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW [42.56.050](#).

(3) Responses by the University of Washington refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

(4) Pursuant to RCW [42.56.540](#), the University of Washington reserves the right to seek to enjoin the examination of any specific record, the examination of which the university determines would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

[Statutory Authority: RCW [28B.20.130](#), 2005 c 274, and Executive Order 97-02. 06-17-131, § 478-276-110, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW [28B.20.130](#). 91-10-031, § 478-276-110, filed 4/24/91, effective 5/25/91; Order 73-5, § 478-276-110, filed 5/29/73.]

478-276-120 Review of denials of public records requests.

(1) A person who has been denied access to public records may submit to the director of public records and open public meetings a petition for prompt review of such decision. The written

request shall specifically refer to the written statement by the director of public records and open public meetings or staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the director of public records and open public meetings or other staff member denying the request shall refer it to the office of the president of the University of Washington. The petition shall be reviewed promptly and the action of the public records and open public meetings office staff shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

[Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-120, filed 5/23/01, effective 6/23/01. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-120, filed 10/2/81; Order 73-5, § 478-276-120, filed 5/29/73.]

478-276-140 Public records and open public meetings office — Address.

All requests for public records to the University of Washington shall be addressed as follows:

University of Washington
Public Records and Open Public Meetings Office
4311 11th Ave. N.E.
Suite 360
Seattle, WA 98105

(for internal campus mail use: Box 354997). The telephone number of the public records and open public meetings office is 206-543-9180.

[Statutory Authority: RCW [28B.20.130](#) and Executive Order 97-02. 06-13-021, § 478-276-140, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW [28B.20.130](#) and chapter [42.17](#) RCW. 03-12-007, § 478-276-140, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW [28B.20.130](#), [42.17.260](#), [42.17.290](#), [42.17.300](#) and chapter [34.05](#) RCW. 01-11-136, § 478-276-140, filed 5/23/01, effective 6/23/01; 97-14-004, § 478-276-140, filed 6/19/97, effective 7/20/97. Statutory Authority: RCW [28B.20.130](#)(1). 81-20-049 (Order 81-2), § 478-276-140, filed 10/2/81; Order 73-5, § 478-276-140, filed 5/29/73.]

AMENDATORY SECTION (Amending WSR 06-17-131, filed 8/22/06, effective 9/22/06)

WAC 478-276-010 Purpose. This chapter is enacted by the board of regents of the University of Washington in compliance with the ~~((provisions of chapter 42.56 RCW, "))~~ Public Records Act. The university adopts these rules and regulations so as to provide fullest assistance to inquirers and full public access to the university's public records while protecting those records from damage or disorganization; preventing excessive interference with other essential university functions, including the university's core education and research missions; and not unreasonably disrupting university operations. (("))

AMENDATORY SECTION (Amending WSR 01-11-136, filed 5/23/01, effective 6/23/01)

WAC 478-276-020 Definitions. (1) ~~(("Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.))~~ "Business days" are weekdays, Monday through Friday, excluding official Washington state holidays and university closures.

(2) ~~(("Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated))~~ "Public Records Act" means chapter 42.56 RCW.

(3) "Public records office" means the university's office of public records and open public meetings.

(4) "University" means the state university established under chapter 28B.20 RCW and designated the University of Washington.

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-050 Public records available. ((~~All public records of the University of Washington, as defined in WAC 478-276-020, are deemed to be~~) The university's public records are available for public inspection and copying pursuant to these rules, except as otherwise provided by law.

AMENDATORY SECTION (Amending WSR 07-03-069, filed 1/17/07, effective 2/17/07)

WAC 478-276-060 Public records officer. ((~~For purposes of compliance with chapter 42.56 RCW, the person designated as public records officer for the University of Washington is the director of public records and open public meetings. Duties for this individual shall include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the public records and open public meetings office in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 42.56 RCW. The person so designated shall be at the following location:~~

~~University of Washington
Public Records and Open Public Meetings Office
4311 11th Ave. N.E.
Suite 360
Seattle, WA 98105~~

~~(for internal campus mail use: Box 354997).)~~ The university's public records officer is the director of the public records office. The contact information for the public records officer is set forth under WAC 478-276-140.

AMENDATORY SECTION (Amending WSR 06-17-131, filed 8/22/06, effective 9/22/06)

WAC 478-276-080 Requests for public records. ((~~In accordance with requirements of chapter 42.56 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter 42.56 RCW, may be inspected or copies of such records may be obtained, by members of the public upon compliance with the following procedures:~~)) All requests under the Public

Records Act to inspect or copy public records shall be in writing and shall be directed to the ((director of)) university's public records ((and open public meetings)) officer at the e-mail address, street address, or facsimile number set forth in WAC 478-276-140. The request shall include the following information:

(1) The requestor's name ((and)), e-mail address ((of the person requesting the records)) or street address, and telephone number; and

(2) ~~((The date on which the request was made; and~~

~~(3) The public record(s) requested.)) A request for identifiable public records.~~

An identifiable public record is one for which the requestor has given a reasonable description enabling the university to locate the requested record.

NEW SECTION

WAC 478-276-085 Responses to public records requests. (1) **Responses generally.** The public records office shall respond within five business days of receiving a public records request by:

(a) Providing the records;

(b) Providing an internet address and link to the records on a university web site;

(c) Acknowledging that the request has been received and providing a reasonable estimate of the time required to respond to the request; or

(d) Denying the request.

(2) **Additional time.** Additional time for the office to respond to a request may be based upon the need to:

(a) Clarify the request;

(b) Locate, assemble, and review the records requested;

(c) Notify third persons or agencies affected by the request;

or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) **Request for clarification.** If a public records request is unclear, the public records office may ask the requestor to clarify the request. If the requestor does not respond to a request for clarification or otherwise fails to clarify the records request within ten business days, the university need not respond to it, and the university may consider the request abandoned and close it in accordance with WAC 478-276-105.

(4) **Priority of requests.** The public records office will handle requests in the order in which they are received; provided, however, that the public records office will modify this approach as, and to the extent it deems necessary, to ensure that requests which seek larger volumes of records, require closer review, or are

otherwise more complicated or time consuming, do not unreasonably delay simpler, more routine requests.

(5) **Installments.** When it appears that the number of records responsive to a request may be large, that the process of locating, assembling, or reviewing the records may be lengthy, or that it is otherwise appropriate, the public records office may choose to provide records on a partial or installment basis. For the purposes of WAC 478-276-090 through 478-276-105, and unless otherwise provided under these rules, each installment of records shall be treated as a separate public records request.

(6) **Customized electronic access.** Where the public records office deems it appropriate, the university may choose to provide customized electronic access to public records; provided, however, that any requestor seeking such customized electronic access must pay, in advance, for university staff time and any other direct costs related to providing such customized electronic access. Because the university maintains electronic records in a very wide variety of formats, the viability of providing this service is evaluated on a case-by-case basis.

AMENDATORY SECTION (Amending Order 81-2, filed 10/2/81)

WAC 478-276-090 ((Commercial purposes)) Notice of availability. ((No provision of any regulation contained in this chapter 478-276 WAC shall be construed as giving authority to any faculty or staff member of the University of Washington to give, sell, or provide access to lists of individuals requested for commercial purposes)) (1) Notice of availability generally. Once records responsive to a request (or any installment thereof) have been located, assembled, reviewed, and prepared for release, and any affected third persons or agencies notified, the public records office shall promptly notify the requestor that those records are available for inspection or copying.

(2) Statement of copying, mailing, or other costs. The notice of availability will state any costs for obtaining a copy of the records, the costs for having a copy mailed to the requestor, and any other allowable costs under WAC 478-276-100 or the Public Records Act.

(3) Response to notice of availability. Upon receipt of a notice of availability, the requestor may inspect the records by either:

(a) Scheduling a viewing appointment with the public records office as provided under WAC 478-276-095;

(b) Requesting that a copy of the requested records be held for pickup at the public records office subject to payment of any copying or other charges as set forth under WAC 478-276-100; or

(c) Requesting that a copy of the requested records be sent to the requestor (subject to payment of any copying or other charges

as set forth under WAC 478-276-100).

(4) **Failure to respond to notice of availability.** If, within ten business days of issuance of a notice of availability, the requestor fails to claim the records (or any installment thereof) by either scheduling a viewing appointment or requesting copies and making any required payment, the public records office may consider the request closed. In such case, the public records office may cease locating, assembling, reviewing, or otherwise processing any remaining records, and it may dispose of any records made available as provided under WAC 478-276-105.

NEW SECTION

WAC 478-276-095 Viewing appointments. (1) **No fee.** No fee shall be charged for inspecting records at the university's public records office.

(2) **By appointment only.** In-office inspections are by appointment only during regular office hours: Monday through Friday 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., excluding university holidays, university closures, and such other closures as may be posted on the public records office's web site.

(3) **Scheduling appointments.** In-office inspections must be scheduled in advance by contacting the public records office (see WAC 478-276-140).

(4) **Protection of public records.** Access to records during viewing appointments shall be restricted to the viewing area designated by the public records office. No document shall be physically removed by a member of the public from the viewing area for any reason whatsoever; nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of any record for any reason whatsoever. A public records office staff member may observe any inspection to ensure that records are not disorganized, defaced, or otherwise harmed.

(5) **Identification of records reviewed.** At the end of each viewing appointment, the requestor will identify to the public records office staff those records reviewed during the appointment. If any records remain to be reviewed, another viewing appointment must be scheduled at that time. Reviewed records, or remaining records for which no further viewing appointment has been scheduled, are subject to disposition as provided under WAC 478-276-105.

(6) **Obtaining copies at viewing appointments.** At the end of each viewing appointment, the requestor shall identify to the public records office staff any records he or she would like copied. The public records office staff will arrange to provide such copies in as timely a manner as possible in view of all circumstances, including the volume of copies requested, any pending copying requests, time of day, staff resources, and any

other relevant considerations. Records identified for copying during viewing appointments are subject to prepayment of any copying or other costs in accordance with WAC 478-276-100. Requestors may not make their own copies of public records during viewing appointments.

(7) **Failure to attend a scheduled viewing appointment.** A requestor who fails to attend a scheduled viewing appointment must call the public records office within ten business days to reschedule the missed appointment. Unless otherwise permitted by the public records office, a viewing appointment may not be rescheduled more than two times. If a requestor fails to reschedule a missed viewing appointment within ten business days or has already rescheduled the appointment two times, the public records office may consider the request closed and may dispose of any records or copies made available in accordance with WAC 478-276-105.

AMENDATORY SECTION (Amending WSR 06-17-131, filed 8/22/06, effective 9/22/06)

WAC 478-276-100 (~~(Inspection of public records)~~) Copying (~~(-- Costs)~~). (~~((1) Public records of the University of Washington required to be disclosed by chapter 42.56 RCW, shall be made available for inspection and copying by the public records and open public meetings office staff under the supervision of the director of public records and open public meetings. Arrangements for photocopying of documents in accordance with RCW 42.56.210 shall be made by the university in such a way as to protect the records from damage or disorganization and to prevent excessive interference with other essential functions of the agency.~~)

~~(2) No fee shall be charged for the inspection of public records. The university imposes a charge for providing copies of public records whether the copies are on paper or on other media such as, but not limited to, CDs, diskettes, audio or videotape; the university also charges for packaging, postage, and other charges as allowed by statute. Such charges shall not exceed the amount necessary to reimburse the university for actual costs as allowed by law.~~

~~(3) No person shall be provided a copy of a public record which has been copied by the university at the request of such person until and unless such person has tendered payment for the charge for providing such copying.)~~ (1) Copying facilities available. Facilities shall be made available to requestors for the copying of public records as set forth under WAC 478-276-095, except when and to the extent that this would unreasonably disrupt the operations of the public records office.

(2) Copying costs. The university may charge for providing copies of public records. Charges are posted on the office's web

site.

(3) Other costs. The university may charge for nonpaper media (for example, without limitation, compact disks (CDs), digital versatile disks (DVDs), audiotape, or videotape) used to provide copies, packaging, postage, or other charges as allowed by law. Such charges shall not exceed the amount necessary to reimburse the university for actual costs.

(4) Deposits. The university may require a ten percent deposit on copying or other charges. Any required deposit must be paid before the request is processed.

(5) Prepayment. The public records office shall not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth above. If payment is not received by the public records office within fifteen business days of issuance of the university's notice of availability, the university may consider the request closed, and any records or copies responsive to such request shall be subject to disposition as provided under WAC 478-276-105.

AMENDATORY SECTION (Amending WSR 97-14-004, filed 6/19/97, effective 7/20/97)

WAC 478-276-105 ((Protection of)) Closing public records requests. ((Access to any "writing," as defined in WAC 478-276-020(2), shall be restricted to the viewing area designated by the university. No document shall be physically removed by a member of the public from the viewing area for any reason whatsoever. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever.)) (1) Closing requests generally. Once the requestor has reviewed or been provided with copies of the records made available in response to his or her request, that request shall be deemed closed; provided, however, that with respect to any installment of records other than the final installment, and except as otherwise provided in these rules (including, without limitation subsection (2)(c) of this section), the foregoing shall apply only to that installment, not the entire request.

(2) Other closing events. A request may also be deemed closed:

(a) If a requestor does not respond to a request for clarification or otherwise fails to clarify within ten business days;

(b) If the requestor fails to make a required deposit or payment for requested copies as provided under WAC 478-276-100;

(c) If the requestor fails to respond to a notice of availability as provided under WAC 478-276-090;

(d) If all records identified in any notice of availability (including a notice with respect to an installment of records) have

not been inspected, paid for, or picked up within fifteen business days of issuance of such notice of availability; or

(e) As otherwise provided under these rules or by law.

(3) **Disposition of records upon closing.** Upon the closing of a request, originals of any records assembled in response to the request shall be refiled, and any copies of records may be destroyed.

AMENDATORY SECTION (Amending WSR 06-17-131, filed 8/22/06, effective 9/22/06)

WAC 478-276-110 Exemptions(~~(--)~~) and court protection. (1) **Exemptions generally.** The university (~~(of Washington)~~) reserves the right to determine that a public record requested in accordance with (~~(the procedures outlined in)~~) WAC 478-276-080, or any portion thereof, is exempt under the (~~(provisions of chapter 42.56 RCW)~~) Public Records Act.

(2) (~~(In addition, pursuant to chapter 42.56 RCW, the University of Washington reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.56.050.)~~) **Commercial purposes.** The Public Records Act prohibits the university from disclosing lists of individuals requested for commercial purposes.

(3) (~~(Responses by the University of Washington refusing, in whole or in part, inspection of any record)~~) **Identification of exemptions.** Public records office responses denying inspection of any record, in whole or in part, shall include a statement of the specific exemption(s) authorizing the withholding of the record (or (~~(part)~~) portion thereof) and a brief explanation of how the exemption applies to the record or information withheld.

(4) **Enjoining inspection.** Pursuant to (~~(RCW 42.56.540)~~) the Public Records Act, the university (~~(of Washington)~~) reserves the right to seek to enjoin the (~~(examination)~~) inspection of any specific record(~~(, the examination of which)~~) if the university determines that inspection would clearly not be in the public interest and would substantially and irreparably damage any person or would substantially and irreparably damage vital governmental functions.

AMENDATORY SECTION (Amending WSR 01-11-136, filed 5/23/01, effective 6/23/01)

WAC 478-276-120 Review of denials of public records requests.

(1) **Petition for review.** A person who has been denied access to public records may submit to the ~~((director of))~~ university's public records ~~((and open public meetings))~~ officer a petition for prompt review of such decision. The written request shall specifically refer to the written statement by the ~~((director of))~~ public records ~~((and open public meetings or))~~ office staff member which constituted or accompanied the denial.

(2) ~~((Immediately))~~ **Response to petition.** After receiving a written request for review of a decision denying a public record, the ~~((director of))~~ public records ~~((and open public meetings or other staff member denying the request shall refer it to the office of the president of the University of Washington))~~ office shall promptly refer it to the hearing officer. The petition shall be reviewed ~~((promptly))~~ and the action of the public records ~~((and open public meetings))~~ office ~~((staff))~~ shall be approved or disapproved. Such approval or disapproval shall constitute final university action for purposes of judicial review.

AMENDATORY SECTION (Amending WSR 06-13-021, filed 6/13/06, effective 7/14/06)

WAC 478-276-140 Public records ~~((and open public meetings office--))~~ address. ~~((All requests for public records to the University of Washington shall be addressed as follows:~~

University of Washington
Public Records and Open Public Meetings Office
4311 11th Ave. N.E.
Suite 360
Seattle, WA 98105

~~((for internal campus mail use: Box 354997)). The telephone number of the public records and open public meetings office is 206-543-9180.))~~ The university's public records officer may be contacted at the following physical address, telephone numbers, or e-mail address:

Office of Public Records and Open Public Meetings
University of Washington
4311 11th Ave. N.E., Suite 360
Seattle, WA 98105
Telephone: 206-543-9180
Facsimile: 206-616-6294
E-mail: pubrec@uw.edu

The public records office's web site is at

[http://depts.washington.edu/publicrecords.](http://depts.washington.edu/publicrecords)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 478-276-070 Times for inspection and copying.